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February 2, 2023

**VIA ELECTRONIC MAIL**

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**RE Petro Industrial Solutions, LLC v. Island Project and Operating Services, LLC,  
VITOL Holding Co., VITOL VI and Andrew Canning  
Case No.: SX-2021-CV-00700**

Dear Counsel:

We are in receipt of the January 31, 2023 letter from Attorney Rohn concerning a proposed deposition schedule, as required by paragraph 2 of the Court's First Amended Scheduling Order (Doc. No. 136). On behalf of Island Project and Operating Services LLC ("IPOS"), this letter is intended to address several aspects of this proposal.

**Start and End Dates for Depositions:** Both the proposed schedule furnished by IPOS on January 27, 2023, and the proposed schedule furnished by the Vitol Defendants, proposed that depositions would begin in February or (at latest) in March in order to permit the completion of depositions prior to the June 15, 2023 date. The counter-proposal, which identifies an April 18,

**EXHIBIT**

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2023 start date (for the deposition of Petro Industrial Solutions and Adrian Melendez)<sup>1</sup> and a July 10, 2023 would take the process past the currently scheduled cut-off date of June 16, 2023. Consistent with the Magistrate Judge's expectation, we should seek to identify some earlier dates to start this activity.

**Specific Proposed Dates:** David Smith and Merlin Figueira are not available on the proposed dates of May 19 and May 22, 2023. Further, while we do not yet have Plaintiff's proposed 30(b)(6) Notice of Deposition, we anticipate that one or both of these individuals will be presented as 30(b)(6) designees, and accordingly, their depositions should be coordinated with the 30(b)(6) deposition of IPOS. As an alternative to scheduling Mr. Smith and Mr. Figueira on these dates, we would propose to utilize those dates for the 30(b)(6) deposition of Acuren Inspection Services and/or individuals affiliated with Acuren Inspection Services and for the 30(b)(6) Versa Integrity Group and/or individuals affiliated with Versa Integrity Group to be determined, as proposed in the January 27, 2023 letter. The January 31, 2023 proposed schedule puts these two depositions on June 20-21, 2023.

In addition, because David Smith is unavailable on June 14 and June 16, 2023, we will need to look to dates in the following week (if the schedule is extended) for the IPOS 30(b)(6) deposition, and propose June 21-23 for that activity. As Mr. Figuieria is located outside the country, we will also need cooperation to ensure that an examination of him (whether as a 30(b)(6) designee or as an individual, if he is not presented as a 30(b)(6) designee) can commence at the start of the day due to the substantial time difference.

Please be advised that non-party witnesses Mr. Constantinou and Mr. Stoker are both located in Europe. Accordingly, if they are deposed, the depositions will need to be scheduled for the start of the day due to the substantial time difference. The January 31, 2023 proposed schedule proposes that these individuals will be deposed on dates when two other witnesses are scheduled, which also does not seem to allow a realistic possibility for all parties to have the opportunity to examine the witnesses, if desired.

As noted in my letter of January 27, 2023, I am available on February 3 to meet and confer about a schedule for depositions. If we cannot accomplish the meet and confer on February 3, I also have availability on February 6, 2023.

Sincerely,

*Simone R.D. Francis*  
Simone R.D. Francis

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<sup>1</sup> Page 2 of the letter identifies the proposed date as April 28, 2023. However, as page 1 of the letter furnishes an available date of April 18, 2023, it is presumed that the proposed date is April 18 rather than April 23, 2023.